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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,617	12/21/1999	Robert J. Munger	FS-00464	3841

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EXAMINER

CRAIG, DWIN M

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 11/06/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/468,617

Applicant(s)

MUNGER ET AL.

Examiner

Dwin M Craig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8-20-2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 8-20-2003 PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. The Examiner withdraws all previous 35 U.S.C. 103 rejections of Claims 1-10.

Claim Objections

3. **Claim 3** is objected to because of the following informalities: The word "the" is misspelled. Appropriate correction is required.

Rejections

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Independent **Claim 1** and dependent **Claims 3-10** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Heath et al. U.S. Patent 4,845,665** in view of **Styers U.S. Patent 4,573,925**.

4.1 As regards independent **Claim 1** the *Heath et al.* reference discloses, a method for programming an operator system interface with a simulator (**Figure 1, Col. 2 Lines 45-58**), providing definitional tables for an operator system interface, wherein said tables define specific governing attributes of said operating system interface (**Figure 1, Col. 4 Lines 55-68, Col. 5-6, Col. 7 Lines 1-5**), the simulator program performs display of a representation of the operator interface based on the definitional tables (**Figures 2A, 4A Item 153**), allows the user to select attributes from the definitional table (**Figure 4H, Figure 8D, Col. 19 Lines 19-67, Col. 20 Lines 19-67, Col. 21-60, Col. 61 Lines 1-29, Col. 62 Lines 1-29**), and modifying said definitional tables to correspond to modifying of said representation to reprogram said operator system interface (**Figure 4G**).

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However, the *Heath et al.* reference does not expressly disclose, the simulator program running on a computing device other than a computing device providing said operator system interface or a pointing device.

The *Styers* reference discloses the simulator program running on a computing device other than a computing device providing said operator system interface (**Figure 1, Col. 4 Lines 24-68, Col. 5 Lines 1-32**), and the use of a pointing device for selecting the operator interface attributes (**Figure 1, Item 18, Col. 6 Lines 12-68**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have modified the *Heath et al.* reference with the *Styers* reference because, of the need to facilitate the rapid prototyping and development of aircraft cockpit displays and provide a method to change these displays and evaluate the desired configuration (**Styers Col. 2 Lines 15-24**), the *Styers* reference discloses the need to use the actual target hardware that will be used in the final version of the display, the motivation to have the simulation on one computer system and the display on another system stems from the fact that flight simulations can be computationally intensive and the operator interface needs to perform in the same manner that it will perform in actual use in order to properly evaluate the true performance of the configuration under test. The use of a pointing device facilitates the ease of use that a mouse has provided in modern Graphical User Interfaces and therefore the motivation to modify the *Heath et al.* reference with the *Styers* reference in regards to the pointing device or *data tablet* is demonstrated in the *Styers* reference in that the user has to remember many *hotkeys* in order to select options whereas a pointing device provides flexibility in selecting icons, objects, etc...

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without the need to remember keystroke combinations, thus making the programming interface more user friendly.

4.2 As regards dependent **Claim 3** the *Heath et al.* reference discloses generating operational code (**Col. 2 Lines 45-59**).

4.3 As regards dependent **Claims 4, 5, 6 and 7** the *Heath et al.* reference discloses the ability of extracting an existing operator system interface, modifying the interface and storing the changed interface by modifying the tables (**Figure 1, Col. 4 Lines 55-68, Col. 5-6, Col. 7 Lines 1-5, Figure 4H, Figure 8D, Col. 19 Lines 19-67, Col. 20 Lines 19-67, Col. 21-60, Col. 61 Lines 1-29, Col. 62 Lines 1-29**).

4.4 As regards dependent **Claim 8** the *Heath et al.* reference discloses running the simulation on a personal computer (**Col. 3 Lines 60-68, Col. 4 Lines 1-4**).

4.5 As regards dependent **Claim 10** the *Heath et al.* reference does not expressly disclose a method to demonstrate the functionality of the operator system interface.

The *Styers* reference discloses a demonstration of the operator system interface (**Figure 4**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the *Heath et al.* reference with the *Styers* reference because, the *Styers* reference discloses the need to demonstrate possible instrumentation examples to regulating agencies so that approval of these designs can be acquired before the systems are deployed (**Col. 2 Lines 3-14**).

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Allowable Subject Matter

5. **Claims 2 and 9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. New 35 U.S.C. 103(a) rejections have been applied to Claims 1, 3-8 and 10. Claims 2 and 9 are objected to as being based on a rejected base claim. This action is **NON-FINAL**.

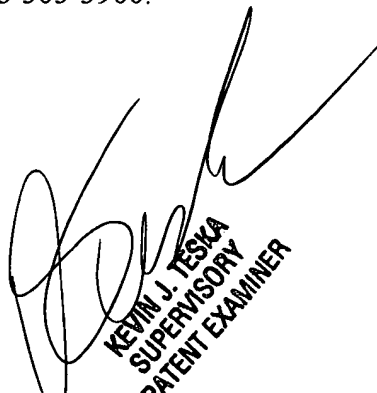
6.1 An updated search has revealed new prior art. New prior art rejections have been applied to Claims

6.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M Craig whose telephone number is 703 305-7150. The examiner can normally be reached on 9:00 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 703 305-9704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

DMC
October 23, 2003


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER